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ROCHE DIAGNOSTICS CORPORATION and  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

Plaintiffs,

v.

ROCHE DIAGNOSTICS CORPORATION  
ROCHE DIAGNOSTICS OPERATIONS,  
INC., and BAYER HEALTHCARE LLC,

Defendants.

AND RELATED ACTIONS

Case No. C05-3117 MJJ

**STIPULATION TO REMOVE  
INCORRECTLY FILED DOCKET  
ENTRY 543**

Date Comp. Filed: August 1, 2005

Trial Date: February 25, 2008

Plaintiffs Abbott Diabetes Care Inc. and Abbott Laboratories, and Defendants Roche Diagnostics Corporation and Roche Diagnostics Operations, Inc., submit this stipulation under Civil Local Rule 7-12 to remove incorrectly filed Docket Entry 543, which is the public version of the Confidential Declaration of Stephen G. Weber. On the afternoon of Friday, October 26, Roche inadvertently filed an unredacted version of Dr. Weber's declaration as Docket Entry 543. Roche discovered the inadvertence after the ECF Help Desk was closed for the day, but on the next business day, October 29, had Docket Entry 543 locked. Also on October 29, Roche filed a properly-redacted public version of Dr. Weber's declaration as Docket Entry 565. In no way has the substance of Dr. Weber's declaration changed—Docket Entry 565 simply redacts two words that Roche all along intended to redact from the Docket Entry 543.

Dated: November 1, 2007

BAKER BOTTS LLP

By: Concurrence obtained per General Order 45 X.B.  
 SHANNON HUTCHESON  
 Attorneys for Plaintiffs  
 ABBOTT DIABETES CARE INC. and  
 ABBOTT LABORATORIES

Dated: November 1, 2007

KEKER & VAN NEST, LLP

By: /s/ Ashok Ramani  
 ASHOK RAMANI  
 Attorneys for Defendants  
 ROCHE DIAGNOSTICS  
 CORPORATION and ROCHE  
 DIAGNOSTICS OPERATIONS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/06/07

By: Martin J. Jenkins  
 THE HON. JUDGE MARTIN J. JENKINS  
 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA